

**In the
Indiana Supreme Court**



STATE OF INDIANA <i>ex rel.</i>)	Supreme Court No.
Jody WAYNE SCOTT and Jonathon)	31S00-1001-OR-60
LUTHER,)	
Relators,)	
)	
v.)	
)	Trial Court Nos.
THE HARRISON SUPERIOR COURT)	31D01-0912-PC-12
and THE HONORABLE ROGER DAVIS,)	31D01-1001-PC-01
as Judge thereof,)	31D01-1001-PC-02
Respondents.)	

ORDER

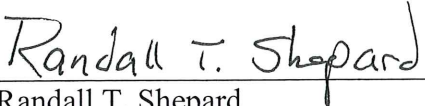
Relators, by counsel, filed a "Verified Petition for Writ of Mandamus & Prohibition to Obtain Reasonable Hearing Dates" and accompanying application papers under the Rules of Procedure for Original Actions.

After the filing of briefs opposing issuance of the writ, Relators filed their "Emergency Motion to Stay Trial Court Proceedings." Additionally, Relators have tendered a "Reply Brief," "Second Appendix" in two-volumes, and a "Statement of Purpose in Filing of Reply Brief." The Prosecuting Attorney has tendered a "Response of Prosecutor Dennis L. Byrd to Relator's [sic] Reply Brief." The Court DIRECTS the Clerk to show these tendered documents FILED as of the date they were received.

Each Justice has had an opportunity to review all of the materials filed in this original action. The Court has met in conference and discussed Relators' requests for relief. All five Justices have voted to deny the writ. Accordingly, the Court DENIES the emergency motion for stay and the petition for writ of mandamus and prohibition. Petitions for rehearing or motions to reconsider are not allowed. Orig. Act. R. 5(C).

The Clerk is directed to send copies of this order to the Honorable Roger Davis, Judge, Harrison Superior Court, 1445 Gardner Lane NW, Suite 3018, Corydon, IN 47112; Dennis L. Byrd, Prosecuting Attorney, 1445 Gardner Lane NW, Suite 3101, Corydon, IN 47112; Bart M. Betteau, 1212 State Street, New Albany, IN 47150; and Gregory F. Zoeller, Attorney General of Indiana. The Clerk is also directed to post this order to the Court's website.

Done at Indianapolis, Indiana, this 5th day of March, 2010.


Randall T. Shepard
Chief Justice of Indiana

All Justices concur.